UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
Case No. 6:01-CV-1271-ORL-19JGG

CLAYTON HOSPITALITY GROUP, INC.,

Plaintiff,

vs.

ORANGE COUNTY, a political subdivision of the State of Florida and EARL K. WOOD, in his official capacity as Orange County Tax Collector,

Defendants.

ORDER

This case was considered by the Court on the following matters:

1) Plaintiff Clayton Hospitality's Motion for rehearing of Order (Doc. No. 52, filed August 13, 2002); Defendants Orange County and Earl K. Wood's Response in Opposition to Plaintiff's Motion for Rehearing (Doc. No. 53, filed August 23, 2002); and Notice of incorrect Designation (Doc. No. 55, filed August 27, 2002).

The Court previously entered summary judgment in favor of the Defendant [sic] on July 30, 2002. The Plaintiff has moved pursuant to Federal Rule of Civil Procedure 59(e) to alter or amend the judgment. Plaintiff requests that the Court amend its previous Order to reflect

that the violations which the inspectors noted at the property were actually alleged violations. Clayton disputes that the alleged violations actually violated the building code. Additionally, Clayton maintains that the Court's grant of summary judgment to the Defendant [sic] did not depend on a factual finding that the violations actually existed. Instead, the Court found the County's ordinance facially valid, and thus the factual circumstances of the case are irrelevant.

The Court did not resolve any issues of disputed fact in its Order as to whether alleged violations of the building code were violations in fact. Instead the order recites a factual history of events which led the parties to this Court. Disputes between the parties as to whether alleged violations of the building code did or did not exist do not affect the analysis of the facial challenge made by plaintiff to the Adult Entertainment Code license transfer provision, and no ruling on such disputes was made. *See* page 16 of the Order at Docket No. 48.

To the extent this clarification is needed, Plaintiff Clayton Hospitality's Motion for Rehearing of Order (Doc. No. 52) and Notice of incorrect Designation (Doc. No. 55) are **GRANTED.**

DONE AND ORDERED at Orlando, Florida this 3rd day of September, 2002.

PATRICIA C. FAWSETT
UNITED STATES DISTRICT JUDGE

Copies to:

All counsel of Record